

5/9/2024 2:14 PM

Marilyn Burgess - District Clerk Harris County

Envelope No. 87570772

By: Joshua Herrington

Filed: 5/9/2024 2:14 PM

CAUSE NO. 2024-20417

BDFI LLC and GALLERIA WEST LOOP INVESTMENTS, LLC	§	IN THE DISTRICT COURT OF
Plaintiffs,	§	
VS.	§	HARRIS COUNTY, TEXAS
VERITEX COMMUNITY BANK and GREEN BANK, N.A.	§	
Defendants.	§	295 <sup>th</sup> JUDICIAL DISTRICT

**SUGGESTION OF BANKRUPTCY AND NOTICE OF AUTOMATIC STAY**

Plaintiff/Judgment Debtor, Galleria West Loop Investments, LLC, files this *Suggestion of Bankruptcy and Notice of Automatic Stay* and would respectfully show unto the Court as follows:

On May 6, 2024, Creditor Gene McCubbin d/b/a PopLabs filed an Involuntary Petition Against Galleria West Loop Investments, LLC., under Case No. 24-32143 in the United States Bankruptcy Court for the Southern District of Texas (“Bankruptcy Case”). A copy of the proof of filing of the petition is attached hereto as Exhibit “A.”

Pursuant to the United States Bankruptcy Code, the commencement of the above-referenced bankruptcy triggered an automatic stay that precludes further prosecution of this action until further notice. *See 11 U.S.C. § 362(a).*

Respectfully submitted,

**LAW OFFICES OF KEVIN MICHAEL  
MADDEN, P.L.L.C.**

By: /s/ Kevin M. Madden

Kevin M. Madden  
State Bar No. 24041376  
16310 State Highway 249, Unit 1304  
Houston, Texas 77064  
Phone: 281-888-9681  
Fax: 832-538-0937  
Email : [kmm@kmaddenlaw.com](mailto:kmm@kmaddenlaw.com)

**ATTORNEY FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document has been sent to all known counsel according to the TRCP on this the 9<sup>th</sup> day of May 2024:

Brian Clark  
KRCL, PC  
901 Main Street, Suite 5200  
Dallas, Texas 75202  
Tel. (214) 777-4253  
Email: [bclark@krcl.com](mailto:bclark@krcl.com)

**ATTORNEY FOR DEFENDANTS**

Via: E-filing Texas

/s/ Kevin M. Madden

Kevin M. Madden

### Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Kevin Madden  
 Bar No. 24041376  
 kmm@kmaddenlaw.com  
 Envelope ID: 87570772

Filing Code Description: No Fee Documents

Filing Description: Suggestion of Bankruptcy and Notice of Automatic Stay  
 Status as of 5/9/2024 2:24 PM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Kevin M.Madden		kmm@kmaddenlaw.com	5/9/2024 2:14:49 PM	SENT
Connie Nims		cnims@krcl.com	5/9/2024 2:14:49 PM	SENT
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Brian W.Clark		bclark@krcl.com	5/9/2024 2:14:49 PM	SENT
Brian W.Clark		bclark@krcl.com	5/9/2024 2:14:49 PM	SENT
Jamie Wilson		JWilson@krcl.com	5/9/2024 2:14:49 PM	SENT
Lynda Bryan		LBryan@krcl.com	5/9/2024 2:14:49 PM	SENT

# EXHIBIT “A”

Unofficial Copy Office of Marilyn Burgess District Clerk

## Fill in this information to identify the case:

United States Bankruptcy Court for the:

Southern District of Texas  
(State)

Case number (if known): \_\_\_\_\_ Chapter 11

 Check if this is an amended filing

## Official Form 205

## Involuntary Petition Against a Non-Individual

12/15

Use this form to begin a bankruptcy case against a non-individual you allege to be a debtor subject to an involuntary case. If you want to begin a case against an individual, use the *Involuntary Petition Against an Individual* (Official Form 105). Be as complete and accurate as possible. If more space is needed, attach any additional sheets to this form. On the top of any additional pages, write debtor's name and case number (if known).

## Part 1: Identify the Chapter of the Bankruptcy Code Under Which Petition Is Filed

## 1. Chapter of the Bankruptcy Code

Check one:

Chapter 7  
 Chapter 11

## Part 2: Identify the Debtor

## 2. Debtor's name

Galleria West Loop Investments, LLC

## 3. Other names you know the debtor has used in the last 8 years

50m Briar Hollow

Include any assumed names, trade names, or *doing business as* names.

## 4. Debtor's federal Employer Identification Number (EIN)

 Unknown

8 2 - 4 6 4 2 4 2 3

EIN \_\_\_\_\_

## 5. Debtor's address

Principal place of business

1001 W. Loop South

Number Street

Houston

City

TX

State

77027

ZIP Code

Harris

County

Mailing address, if different

Number Street

P.O. Box

City State ZIP Code

Location of principal assets, if different from principal place of business

Number Street

City State ZIP Code

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Debtor	Galleria West Loop Investments, LLC		Case number (if known) _____
Name _____			
<b>6. Debtor's website (URL)</b> _____			
<b>7. Type of debtor</b> <p><input checked="" type="checkbox"/> Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))  <input type="checkbox"/> Partnership (excluding LLP)  <input type="checkbox"/> Other type of debtor. Specify: _____</p>			
<b>8. Type of debtor's business</b> <i>Check one:</i> <p><input type="checkbox"/> Health Care Business (as defined in 11 U.S.C. § 101(27A))  <input checked="" type="checkbox"/> Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))  <input type="checkbox"/> Railroad (as defined in 11 U.S.C. § 101(44))  <input type="checkbox"/> Stockbroker (as defined in 11 U.S.C. § 101(53A))  <input type="checkbox"/> Commodity Broker (as defined in 11 U.S.C. § 101(6))  <input type="checkbox"/> Clearing Bank (as defined in 11 U.S.C. § 781(3))  <input type="checkbox"/> None of the types of business listed.  <input type="checkbox"/> Unknown type of business.</p>			
<b>9. To the best of your knowledge, are any bankruptcy cases pending by or against any partner or affiliate of this debtor?</b> <p><input checked="" type="checkbox"/> No  <input type="checkbox"/> Yes. Debtor _____ Relationship _____            District _____ Date filed _____ MM / DD / YYYY Case number, if known _____</p> <p>Debtor _____ Relationship _____            District _____ Date filed _____ MM / DD / YYYY Case number, if known _____</p>			
<b>Part 3: Report About the Case</b>			
<b>10. Venue</b> <i>Check one:</i> <p><input checked="" type="checkbox"/> Over the last 180 days before the filing of this bankruptcy, the debtor had a domicile, principal place of business, or principal assets in this district longer than in any other district.  <input type="checkbox"/> A bankruptcy case concerning debtor's affiliates, general partner, or partnership is pending in this district.</p>			
<b>11. Allegations</b> <p>Each petitioner is eligible to file this petition under 11 U.S.C. § 303(b).            The debtor may be the subject of an involuntary case under 11 U.S.C. § 303(a).</p> <p><i>At least one box must be checked:</i></p> <p><input checked="" type="checkbox"/> The debtor is generally not paying its debts as they become due, unless they are the subject of a bona fide dispute as to liability or amount.  <input type="checkbox"/> Within 120 days before the filing of this petition, a custodian, other than a trustee, receiver, or an agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.</p>			
<b>12. Has there been a transfer of any claim against the debtor by or to any petitioner?</b> <p><input checked="" type="checkbox"/> No  <input type="checkbox"/> Yes. Attach all documents that evidence the transfer and any statements required under Bankruptcy Rule 1003(a).</p>			

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Debtor	Galleria West Loop Investments, LLC			Case number (if known)
Name				
13. Each petitioner's claim		Name of petitioner	Nature of petitioner's claim	Amount of the claim above the value of any lien
		Gene McCubbin dba PopLabs	Advertising	\$ 32,665.75
				\$ _____
				\$ _____
				\$ _____
			Total of petitioners' claims	\$ _____
<p>If more space is needed to list petitioners, attach additional sheets. Write the alleged debtor's name and the case number, if known, at the top of each sheet. Following the format of this form, set out the information required in Parts 3 and 4 of the form for each additional petitioning creditor, the petitioner's claim, the petitioner's representative, and the petitioner's attorney. Include the statement under penalty of perjury set out in Part 4 of the form, followed by each additional petitioner's (or representative's) signature, along with the signature of the petitioner's attorney.</p>				
<p>Part 4: Request for Relief</p> <p><b>WARNING</b> -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.</p> <p>Petitioners request that an order for relief be entered against the debtor under the chapter of 11 U.S.C. specified in this petition. If a petitioning creditor is a corporation, attach the corporate ownership statement required by Bankruptcy Rule 1010(b). If any petitioner is a foreign representative appointed in a foreign proceeding, attach a certified copy of the order of the court granting recognition.</p> <p>I have examined the information in this document and have a reasonable belief that the information is true and correct.</p>				
<p><b>Petitioners or Petitioners' Representative</b></p> <p>Name and mailing address of petitioner</p> <p>Gene McCubbin dba PopLabs</p> <p>Name _____</p> <p>14315 Briarhills Pkwy</p> <p>Number Street _____</p> <p>Houston TX 77077</p> <p>City _____ State _____ ZIP Code _____</p> <p>Name and mailing address of petitioner's representative, if any</p> <p>Gene McCubbin</p> <p>Name _____</p> <p>14315 Briarhills Pkwy</p> <p>Number Street _____</p> <p>Houston TX 77077</p> <p>City _____ State _____ ZIP Code _____</p> <p>I declare under penalty of perjury that the foregoing is true and correct.</p> <p>Executed on <u>05/06/2024</u></p> <p>MM / DD / YYYY</p> <p><u>x gene mccubbin</u></p> <p>Signature of petitioner or representative, including representative's title</p>				
<p><b>Attorneys</b></p> <p>Kevin M. Madden</p> <p>Printed name _____</p> <p>The Law Offices of Kevin M. Madden, PLLC</p> <p>Firm name, if any _____</p> <p>16310 State Highway 249, Unit 1304</p> <p>Number Street _____</p> <p>Houston TX 77064</p> <p>City _____ State _____ ZIP Code _____</p> <p>Contact phone <u>281-888-9681</u> Email <u>kmm@kmaddenlaw.com</u></p> <p>Bar number <u>24041376</u></p> <p>State _____</p> <p><u>x /s/ Kevin M. Madden</u></p> <p>Signature of attorney</p> <p>Date signed <u>05/06/2024</u></p> <p>MM / DD / YYYY</p>				

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Debtor

Name \_\_\_\_\_

Case number (if known) \_\_\_\_\_

**Name and mailing address of petitioner**

Name \_\_\_\_\_

Number Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

**Name and mailing address of petitioner's representative, if any**

Name \_\_\_\_\_

Number Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_ MM / DD / YYYY

**X**

Signature of petitioner or representative, including representative's title \_\_\_\_\_

Printed name \_\_\_\_\_

Firm name, if any \_\_\_\_\_

Number Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

Contact phone \_\_\_\_\_ Email \_\_\_\_\_

Bar number \_\_\_\_\_

State \_\_\_\_\_

**X**

Signature of attorney \_\_\_\_\_

Date signed \_\_\_\_\_

MM / DD / YYYY

**Name and mailing address of petitioner**

Name \_\_\_\_\_

Number Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

**Name and mailing address of petitioner's representative, if any**

Name \_\_\_\_\_

Number Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_ MM / DD / YYYY

**X**

Signature of petitioner or representative, including representative's title \_\_\_\_\_

Printed name \_\_\_\_\_

Firm name, if any \_\_\_\_\_

Number Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

Contact phone \_\_\_\_\_ Email \_\_\_\_\_

Bar number \_\_\_\_\_

State \_\_\_\_\_

**X**

Signature of attorney \_\_\_\_\_

Date signed \_\_\_\_\_

MM / DD / YYYY